REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	04 March 1999
Name of applicant/court:	The District Court at Napier
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Softbox.jpg
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Stated
Author:	Not Applicable
Format:	Computer Printout
Country of Origin:	Not Stated
Language:	English

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Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer printout entitled *Softbox.jpg* is classified as:
Objectionable.

The publication is a computer printout of a computer file onto a single sheet of A4 size white paper. It consists of a black and white photographic image and text.

The computer printout shows a partially naked girl sitting on top of a cane box. She wears a top and socks but is otherwise naked. She poses sitting with her legs apart and has her top pulled up to reveal her breasts. Her breasts and genitalia are clearly visible. She has very small underdeveloped breasts and little or no pubic hair. She is clearly a child and appears to be aged around 10-12 years old. She has a facial expression suggesting that she is scared or unhappy and may have been forced to pose for the camera. That the girl is supposed to be young is reinforced by the title “softbox” which appears to be a reference to a young girl’s genitalia.

The computer printout is intended to be sexually arousing and promotes the sexual characteristics of children to an adult audience. The viewer is encouraged to be sexually aroused by children who are implicitly presented as sexually available and as desirable, viable and legitimate sexual partners. Therefore the publication is considered to promote and support the exploitation of children for sexual purposes as outlined under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) and is therefore deemed to be objectionable.

The publication falls under s3(2) of the FVPC Act which overrides the New Zealand Bill of Rights Act 1990 (NZBR Act) because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms contained in s14 of the NZBR Act. As such if the Classification Office considers that the publication promotes or supports criteria listed in s3(2), the publication shall be deemed “objectionable” without any further consideration of the NZBR Act. This limit on freedom of expression is prescribed by law.

OFLC Ref: 9801430